



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/AL
F.#2010R00006

271 Cadman Plaza East
Brooklyn, New York 11201

January 27, 2012

By ECF and Email

Victoria M. Aguilar
United States Probation Officer
United States Probation Department
147 Pierrepont Street
Brooklyn, New York 11201

Re: United States v. John Porcello
Criminal Docket No. 11-31 (KAM)

Dear Officer Aguilar:

The government respectfully writes in response to the defendant's letter dated January 20, 2012, regarding the Presentence Investigation Report (the "PSR") submitted in the above-captioned case on November 2, 2011.

The defendant wrote that, under the United States Sentencing Guidelines ("Guidelines" or "U.S.S.G."), he is entitled to a two-level reduction in his total offense level because he pled guilty by August 2, 2011. (Def.'s Ltr. at 2.) The government notes that the PSR already correctly awards a three-level reduction for timely acceptance of responsibility, and no further reduction for timeliness is warranted. (PSR ¶ 25.) However, the government is prepared to move for an additional two-level reduction for a global disposition, pursuant to U.S.S.G. § 5K2.0. Therefore, the total offense level should be 15, and, because the defendant is in Criminal History Category

I, the advisory Guidelines range of imprisonment should be 18 to 24 months.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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cc: Hon. Kiyo A. Matsumoto (by ECF and Hand Delivery)
Jack A. Addesso, Esq. (by ECF)
Clerk of the Court (KAM) (by ECF)